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| 10/734,560 | 12/12/2003 | Jaideep Abichandani | 03-1043 | 2441 |
| 20306 7590 07/12/2007 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606 | | | EXAMINER PATEL, JATIN K | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,560

Applicant(s)

ABICHANDANI ET AL.

Examiner

Jatin K. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/13/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 18 is objected because it depends on it self.

Claims 19-24 are objected because they are all depend on claim 18 objected claim as above.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-8, 10-11, 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Poustchi (US patent app. Pub US 2004/0240656 based on parent provisional App. 60/473877 disclose).

Regarding claim 1, establishing first communication session between first the user agent and a second agent (Poustchi teaches on page 4, 1st paragraph, communication

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between originator telephone and first packet based telephone); entering call park number by second user agent to initiate call park for the first communication session (Poustchi teaches on page 4, 1st paragraph, First user interface receives a user input from the user at the first packet based telephone requesting that the call be parked); registering call park number at server (Poustchi teaches on page 4, lines 8-11, central equipment parks the call); parking first communication session at the second user agent (Poustchi teaches on page 4, lines 8-11); establishing second communication session between third user agent and second user agent entering the call park number (Poustchi teaches on page 4, lines 19-24, communication between first packet based telephone and second packet based telephone); sending third user agent the address of first user agent (Poustchi teaches on page 4, lines 30-34); establishing a third communication session between the third user agent and the first user agent (Poustchi teaches on page 4, line 33 – page 5, line 3, communication between originator telephone and second packet based telephone).

Regarding claim 2, authorizing second user agent for call parking at the server after the second user agent enters call park number (Poustchi teaches in Fig 8).

Regarding claim 3, using the call park number as a reference for the first communication session (Poustchi teaches on page 4, lines 22-24).

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Regarding claim 4, routing the third user agent to the second user when the server receives the call park number from the third user agent (Poustchi teaches on page 4, lines 19-24).

Regarding claim 5, third user agent invite the first user agent to initiate the third communication session after server routes the third user agent to second user agent (Poustchi teaches on page 4, lines 25-30).

Regarding claim 6, terminating the first communication session when first user agent to initiate the third user agent become engaged in third communication session (Poustchi teaches on page 4, lines 30 to page 5, line 5).

Regarding claim 7, deregistering the call park number at the server (Poustchi shows in Fig 8, "BYE" message)

Regarding claim 8, terminating the second communication session when first user agent and the third user agent become engaged in third communication session (Poustchi shows in Fig 8, "BYE" message).

Regarding claim 10, operating the third user agent with same user that operated the second user agent (Poustchi teaches on page 4, lines 19-21).

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Regarding claim 11, method of call parking in network telephony system (Poustchi teaches distributed peer-to-peer call park system); establishing first communication session between first the user agent and a second agent (Poustchi teaches on page 4, 1st paragraph); entering call park number by second user agent to initiate call park for the first communication session (Poustchi teaches on page 4, 1st paragraph, First user interface receives a user input from the user at the first packet based telephone requesting that the call be parked); sending call park number at server (Poustchi teaches on page 4, lines 8-11, central equipment parks the call); authorizing the second user agent for call processing at server (Poustchi teaches in Fig 8); registering call park number at server (Poustchi teaches on page 4, lines 8-11, central equipment parks the call); parking first communication session at the second user agent (Poustchi teaches on page 4, lines 8-11); receiving call at server from third user agent by third user agent entering call park number (Poustchi teaches on page 4, lines 21-25); routing a third user agent to second user agent (Poustchi teaches on page 4, lines 21-25); establishing second communication session between third user agent and second user agent entering the call park number (Poustchi teaches on page 4, lines 19-24); sending third user agent the address of first user agent (Poustchi teaches on page 4, lines 30-34); establishing a third communication session between the third user agent and the first user agent (Poustchi teaches on page 4, line 33 – page 5, line 3); terminating first communication session between first user agent and second user agent, deregistering call park number, and terminating second communication session

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between second user agent and third user agent (Poustchi teaches in Fig 8 by Using "BYE" message);

Regarding claim 13, referring third user agent to invite first user agent to initiate third communication session after routing third user agent to second user agent (Poustchi teaches (Poustchi teaches on page 4 line 30- page 5 line 5).

Regarding claim 14, sending to third user agent address of first user agent (Poustchi teaches on page 5, lines 1-8).

Regarding claim 15, using the call park number as a reference for the first communication session (Poustchi teaches on page 4, lines 22-24).

Regarding claim 16, operating the third user agent with same user that operated the second user agent (Poustchi teaches on page 4, lines 19-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9, 12, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poustchi (US patent app. Pub US 2004/0240656 based on parent provisional App. 60/473877 disclose) in view of Schulzrinne (US 2004/0148395).

Regarding claims 9, and 12 Poustchi teaches regarding first communication session, second communication, and third communication. It also teaches most of limitations of claim 17. Further, Poustchi teaches similar to SIP related messages such as INVITE, REFER, REPLACE, etc (Fig 12, 14).

Poustchi does not teaches regarding to use RTP.

Schulzrinne teaches about to use RTP (in fig 3, page 3, paragraph 53).

However, it would have been obvious one of ordinary skill in the art at the time of invention was made to add RTP from Schulzrinne to Poustchi to have quality of services feedback from receivers to the multicast group as well as support for the synchronization of different media and stream by RTP (Schulzrinne Page 3, last paragraph).

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Regarding claims 17-24, Poustchi teaches regarding first communication session, second communication, and third communication. It also teaches most of limitations of claim 17. Further, Poustchi teaches similar to SIP related messages such as INVITE, REFER, REPLACE, etc (Fig 12, 14).

Poustchi does not teaches regarding to SIP proxy server.

Schulzrinne teaches about to use SIP proxy server (Fig on page 1).

However, it would have been obvious one of ordinary skill in the art at the time of invention was made to add SIP proxy server from Schulzrinne to Poustchi to have quality of services feedback from receivers to the multicast group as well as support for the synchronization of different media and stream by SIP proxy server (Schulzrinne Page 3, last paragraph).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Schuster (US 6577622) disclosed regarding System and Method for using portable information device to establish a conference call on telephony network

*Sidhu (US 6744759) disclosed regarding system and method for providing user-configured telephone service in data network telephony.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jatin K. Patel whose telephone number is 571-270-1839. The examiner can normally be reached on 8-5 Mon-Fri Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on 571-272-2194. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP



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